

JESSE S. KAPLAN CSB# 103726
5441 Fair Oaks Bl. Ste. C-1
Carmichael, CA 95608
(916) 488-3030
(916) 489-9297 fax

Attorney for Plaintiff
MICHAEL SANCHEZ

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
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MICHAEL SANCHEZ,

Plaintiff,

v.

Kilolo Kijakazi, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 2:22-cv-0447 DB

STIPULATION AND
ORDER
APPROVING SETTLEMENT
OF ATTORNEY FEES UNDER
THE EQUAL ACCESS TO
JUSTICE ACT [28 U.S.C.
§2412(d)]

THE PARTIES STIPULATE through the undersigned, subject to the approval of the Court, that plaintiff be awarded attorney fees in the amount of Three Hundred dollars and no cents (\$300.00) under the *Equal Access to Justice Act*, 28 U.S.C. §2412(d) and that there will be no award of costs under 28 U.S.C. § 1920. This represents compensation for all legal services rendered by Jesse S. Kaplan in this civil action in accordance with 28 U.S.C. §§ 1920, 2412(d).

1 Upon the Court's order for EAJA fees to Plaintiff, the government will consider
2 Plaintiff's assignment of those *EAJA* fees to counsel. Pursuant to *Astrue v. Ratliff*, 130 S.Ct.
3 2521, 2252-2253 (2010), the ability to honor the assignment will depend on whether the fees are
4 subject to any offset allowed under the United States Department of Treasury's Offset Program.
5 After the order for EAJA fees is entered, the government will determine whether they are subject
6 to any offset. Fees shall be made payable to plaintiff, but if the Treasury Department determines
7 plaintiff owes no federal debt, then the government shall pay the fees directly to Jesse S. Kaplan
8 based on an assignment executed by plaintiff and will deliver the payment to said counsel.
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11 This stipulation constitutes a compromise settlement of plaintiff's request for *EAJA* fees
12 and does not constitute an admission of liability on the part of defendant under the *EAJA* or
13 otherwise. Payment of this agreed amount shall constitute a complete release of and bar to, any
14 and all claims that Plaintiff and/or Jesse S. Kaplan, including Jesse S. Kaplan's firm, may have
15 regarding *EAJA* fees relating to this action. This award is without prejudice to plaintiff's
16 counsel's right to fees under 42 U.S.C. §406(b), subject to the savings clause provisions of the
17 *EAJA*.
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20 Dated: August 26, 2022

/s/ Jesse S. Kaplan

22 JESSE S. KAPLAN
23 Attorney for Plaintiff

24 Dated: August 26, 2022

/s/ per email authorization

26 MARY TSAI
27 Special Assistant U.S. Attorney
28 Attorney for Defendant

ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

DATED: October 11, 2022

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE